

### **REMARKS/ARGUMENTS**

Claims 2-7, 9-14 and 16-18 are pending in the application. Claims 1, 8 and 15 have been cancelled.

Claims 2, 3, 5-7, 9-14 and 16-18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-37 of copending Application No. 10/729,113 and claims 1-34 of copending Application No. 10/784,527. Also claims 2-7, 9-14 and 16-18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of copending Application No. 10/324,880; claims 1-16 of copending Application No. 10/324,882; claims 1-27 of copending Application No. 10/325,573; and claims 1-73 of copending Application No. 10/619,815. According to the Examiner, although the conflicting claims are not identical, they are not patentably distinct from each other because the applicant merely uses slightly different wording to claim the same inventions as the claims of the U.S. applications listed above.

However, Application No. 10/324,882 is abandoned. Moreover, Application No. 10/325,573 issued as U.S. Patent No. 6,749,312, for which a terminal disclaimer has already been accepted and recorded. Accordingly, withdrawal of this provisional obviousness-type double patenting rejection with respect to these two applications is respectfully requested.

The other applications identified by the Examiner are still pending. However, all of the pending claims 2-7, 9-14 and 16-18 of this application are directed to an optical assembly including, *inter alia*, a pattern of individual

deformities of well defined shape that are projections or depressions on at least one side of the light emitter that are quite small in relation to a width and length of the light emitter, at least some of the deformities interlocking or intersecting other deformities, and additional deformities that are projections or depressions on or in the opposite side of the light emitter. In contrast, all of the pending claims of Application No. 10/729,113 are directed to a method of selecting a light redirecting film or optical panel. Accordingly, it is respectfully submitted that all of the pending claims of this application are clearly patentably distinct from the pending claims of Application No. 10/729,113. Moreover, all of the pending claims of this application have an effective filing date of June 27, 1995, which is prior to the effective filing date of July 19, 2001 of the pending claims of Application No. 10/729,113. Accordingly, withdrawal of this provisional obviousness-type double patenting rejection with respect to Application No. 10/729,113 is respectfully requested.

Applicants also respectfully disagree with the provisional obviousness-type double patenting rejections based on the claims of pending Application Nos. 10/784,527, 10/324,880, and 10/619,815. Nevertheless, terminal disclaimers are filed herewith to overcome these provisional non-statutory obviousness-type double patenting rejections based on these three applications. Accordingly, withdrawal of these provisional non-statutory double patenting rejections is respectfully requested.

Since these are the only rejections of claims 2-6, 10-14 and 16-18, which have now presumably been overcome, and claim 2 has been amended to include

all of the limitations of its base claim 1 and claims 10 and 11 have been amended to depend from claim 2, claims 2-6, 10-14 and 16-18 are now presumed allowable.

Claims 7 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lengyel. However, claims 7 and 9 have been amended to depend from claim 2 and are also submitted as clearly allowable.

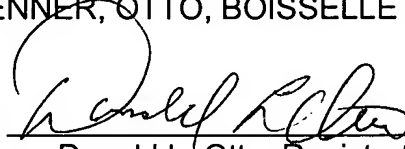
Since these amendments to the claims do not raise any new issues which would require further consideration or search, entry of this amendment and allowance of all of the pending claims 2-7, 9-14 and 16-18 is respectfully requested.

In the event that an extension of time is necessary, this should be considered a petition for such an extension. If required, fees are enclosed for the extension of time and/or for the presentation of new and/or amended claims. In the event any additional fees are due in connection with the filing of this Reply, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988.

Respectfully submitted,

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